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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/468,246

12/20/1999

IAN M. WRIGHT

M-7825US

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33031

7590

07/25/2006

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EXAMINER

TRAN, PHUC H

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/468,246

Applicant(s)

WRIGHT, IAN M.

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period of Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-14 is/are allowed.
6) ☒ Claim(s) 15-38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aimoto (U.S. Patent No. 6122252) in view of Miller et al. (U.S. Patent No. 6247058 B1).

- With respect to claims 15, 23, & 31, Aimoto teaches a method of reducing packet traffic through a switching fabric (e.g. the method controlling the buffering as Fig. 1), the method comprising:

receiving packets from a network (block 132 in Fig. 1);

transmitting each packet to the switching fabric (e.g. cells go through block 105 in Fig.

1);

selectively queuing packets from the switching fabric (FIFO 107 in Fig. 1);

signaling to drop inbound packets destined for the queue (line 152 in Fig. 1);

and dropping inbound packets destined for the queue (block 136 in Fig. 1).

Aimoto fails to teach detecting imminent or active dropping of packets due to a queue being full. Miller from the same or similar fields of endeavor teaches the dropping packets when queue being full (col. 6, lines 15-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the dropping method

of Miller into Aimoto at the FIFO buffer of Aimoto to reduce the traffic load and during the congested period.

- With respect to claims 16, 24 & 32, Aimoto also teaches wherein said signaling further comprises communicating a designation of the dropped outbound packets (e.g. line 152 in Fig. 2 signal to block 136 to discard packet).

- With respect to claims 17-18, 25-26 and 33-34, Aimoto discloses wherein dropping further comprises dropping inbound packets that are the same desiration as the dropped outbound packets (col. 4, lines 47-50).

- With respect to claims 19-20, 27-28 and 35-36, Aimoto teaches wherein the desiration comprises a class of service (col. 3, lines 50-60).

- With respect to claims 21, 29 and 37, Aimoto further teaches issuing a cease drop command to discontinue inbound packet drop (e.g. line 152 from 106 to cell discard judgment unit 136).

- With respect to claims 22, 30 and 38, Aimoto teaches discontinuing inbound packet dropping after a predetermined time (see col. 3, lines 58-62)

Allowable Subject Matter

3. Claims 1-14 are allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 15-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lakshman et al. (U.S. Patent No. 5650993) discloses drop from front of buffer policy in feedback networks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
July 20, 2006


CHI PHAM
SUPERVISORY PATENT EXAMINER 7/21/06